

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

_____)	
IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	MDL NO. 1456
LITIGATION)	Civil Action No. 01-12257-PBS
_____)	
)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:)	
)	
<i>County of Nassau v. Abbott Labs, et al.</i>)	
(E.D.N.Y. No. 04-CV-5126))	
_____)	

**[PROPOSED] ORDER GRANTING
DEFENDANT BEN VENUE LABORATORIES, INC.'S MOTION TO DISMISS THE
NASSAU COUNTY SECOND AMENDED COMPLAINT**

THIS MATTER is before the Court on Ben Venue Laboratories, Inc.'s Motion to Dismiss the claims brought against it in the County of Nassau's Second Amended Complaint. The Court, having considered all submissions in support and opposition thereto, hereby orders as follows:

Ben Venue Laboratories, Inc.'s Motion to Dismiss the Nassau County Second Amended Complaint is GRANTED. Ben Venue Laboratories, Inc. is hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2006, I caused a true and correct copy of the [Proposed] Order Granting Defendant Ben Venue Laboratories, Inc.'s Motion to Dismiss the Nassau County Second Amended Complaint to be served on all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending a copy to LexisNexis File and Serve for posting and notification to all parties.

By: /s/ Brian P. Kavanaugh